

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

|   |   |                                    |
|---|---|------------------------------------|
| VICKIE PHAN, individually and on        | ) |                                    |
| behalf of all others similarly situated | ) |                                    |
|   | ) |                                    |
|   | ) |                                    |
| Petitioner,                             | ) |                                    |
|   | ) |                                    |
| v.                                      | ) | Civil Action No. 1:19-cv-04613-JPB |
|   | ) |                                    |
| PEAK DEBT CONSUMPTION, LLC)             | ) |                                    |
| CHRIS MCCORMICK,                        | ) |                                    |
| CREDIT PRECISION, INC.                  | ) |                                    |
| MARK MILLER,                            | ) |                                    |
| FISHER LAW GROUP, PLLC,                 | ) |                                    |
| DAVID FISHER, and                       | ) |                                    |
| HEGEMON GROUP                           | ) |                                    |
| INTERNATIONAL, LLC                      | ) |                                    |
|   | ) |                                    |
| Respondents.                            | ) |                                    |

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**DEFENDANT HEGEMON GROUP INTERNATIONAL, LLC’S  
ANSWER TO PLAINTIFF’S FIRST AMENDED COMPLAINT**

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COMES NOW Defendant, Hegemon Group International, LLC (“HGI”) and files its Answer as follows:

**FIRST AFFIRMATIVE DEFENSE**

The Complaint against HGI fails to state a claim upon which relief can be granted, in whole or in part.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiff's claims against HGI are barred in whole or in part to the extent such claims are based on contractual provisions or state laws which are preempted by applicable federal laws.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiff's Complaint against HGI is barred by the doctrine of estoppel.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiff's Complaint against HGI is barred by the doctrine of laches.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiff's Complaint against HGI is barred by the failure to mitigate damages.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiff's Complaint against HGI is barred to the extent that the damages alleged by Plaintiff arose from or are the result of acts or omissions of the Plaintiff.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's Complaint against HGI is barred in whole or in part because of lack of injury or damages.

**EIGHTH AFFIRMATIVE DEFENSE**

Plaintiff's Complaint against HGI is barred in whole or in part due to the acts or omissions of third parties, and not from any act or omission of HGI.

**NINTH AFFIRAMTIVE DEFENSE**

Plaintiff's Complaint against HGI in class action for damages fails, as HGI is not situated, or similarly situated, with other Defendants or third parties or share a commonality of claims or acts as other Defendants or third parties.

**TENTH AFFIRMATIVE DEFENSE**

Plaintiff's Complaint against HGI is barred as this Court lacks jurisdiction of HGI.

**ELEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's Complaint against HGI is barred due to a lack of privity between Plaintiff and HGI.

**TWELFTH AFFIRMATIVE DEFENSE**

Turning to the specific allegations of the Complaint, HGI responds as follows:

**INTRODUCTION**

To the extent Plaintiff's Introduction statement necessitates a response, HGI denies the salacious and sensational grandstanding of nonsensical claims, as they pertain to HGI.

**1.**

Denied.

**2.**

HGI denies any liability or that any claims against HGI fall within the Credit

Repair Organizations Act. All other allegations are denied.

**3.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**4.**

HGI denies any liability or that any claims against HGI fall within the Georgia Debt Adjustment Act. All other allegations are denied.

**5.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**6.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**7.**

Denied as to HGI.

**8.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 8 of the Complaint. Therefore, as to HGI, any such claims are denied.

**9.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 9 of the Complaint. Therefore, as to HGI, any such claims are denied.

**10.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**11.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**12.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 12 of the Complaint. Therefore, as to HGI, any such claims are denied.

**13.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**14.**

HGI denies any liability or that any claims against HGI fall within the Fair Business Practices Act. All other allegations are denied.

**15.**

Denied as to HGI.

**16.**

Denied as to HGI.

**17.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 17 of the Complaint. Therefore, as to HGI, any such claims are denied.

**18.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 18 of the Complaint. Therefore, as to HGI, any such claims are denied.

**PARTIES, JURISDICTION AND VENUE**

**19.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 19 of the Complaint.

**20.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 20 of the Complaint.

**21.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 21 of the Complaint.

**22.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 22 of the Complaint.

**23.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 23 of the Complaint.

**24.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 24 of the Complaint.

**25.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 25 of the Complaint.

**26.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 26 of the Complaint.

**27.**

HGI responds by stating that it is without sufficient information to admit or

deny the allegations of Paragraph 27 of the Complaint.

**28.**

Defendant admits that it was provided certain manuals and guidelines. All other allegations are denied.

**29.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 29 of the Complaint.

**30.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 30 of the Complaint.

**31.**

Admitted.

**32.**

Admitted.

**33.**

Denied.

**34.**

Denied.

**35.**

Denied as to HGI.



**36.**

Denied as to HGI.

**RELEVANT FACTS**

**37.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 37 of the Complaint. Therefore, as to HGI, any such claims are denied.

**38.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 38 of the Complaint. Therefore, as to HGI, any such claims are denied.

**39.**

Denied.

**40.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 40 of the Complaint. Therefore, as to HGI, any such claims are denied.

**41.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 41 of the Complaint. Therefore, as to HGI, any

such claims are denied.

**42.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 42 of the Complaint. Therefore, as to HGI, any such claims are denied.

**43.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 43 of the Complaint. Therefore, as to HGI, any such claims are denied.

**44.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 44 of the Complaint. Therefore, as to HGI, any such claims are denied.

**45.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 45 of the Complaint. Therefore, as to HGI, any such claims are denied.

**46.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 46 of the Complaint. Therefore, as to HGI, any

such claims are denied.

**47.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 47 of the Complaint. Therefore, as to HGI, any such claims are denied.

**48.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 48 of the Complaint. Therefore, as to HGI, any such claims are denied.

**49.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 49 of the Complaint. Therefore, as to HGI, any such claims are denied.

**50.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 50 of the Complaint. Therefore, as to HGI, any such claims are denied.

**51.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 51 of the Complaint. Therefore, as to HGI, any

such claims are denied.

**THE CREDIT REPAIR ORGANIZATIONS ACT, 15 U.S.C. § 1679**

**52.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**53.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**54.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 54 of the Complaint. Therefore, as to HGI, any such claims are denied. HGI further responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**55.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 55 of the Complaint. Therefore, as to HGI, any such claims are denied.

**56.**

HGI responds by stating that any referenced or cited law speaks for itself. All

other allegations are denied.

**57.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**58.**

Denied as to HGI.

**59.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**60.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**61.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 61 of the Complaint. Therefore, as to HGI, any such claims are denied.

**62.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**63.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**64.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**65.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**66.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**67.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**68.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**VIOLATION OF THE GEORGIA DEBT ADJUSTMENT ACT**

**69.**

Denied.

**70.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 70 of the Complaint. Therefore, as to HGI, any such claims are denied.

**71.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 71 of the Complaint. Therefore, as to HGI, any such claims are denied.

**72.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 61 of the Complaint. Therefore, as to HGI, any such claims are denied.

**73.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 73 of the Complaint. Therefore, as to HGI, any such claims are denied.

**74.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 74 of the Complaint. Therefore, as to HGI, any such claims are denied.

**75.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 75 of the Complaint. Therefore, as to HGI, any such claims are denied.

**76.**

Denied as to HGI.

**THE GEORGIA FAIR BUSINESS PRACTICES ACT**

**77.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**78.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**79.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.



**VIOLATIONS OF THE FBPA**

**80.**

Denied.

**81.**

Denied.

**82.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 82 of the Complaint. Therefore, as to HGI, any such claims are denied.

**83.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 83 of the Complaint. Therefore, as to HGI, any such claims are denied.

**84.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 84 of the Complaint. Therefore, as to HGI, any such claims are denied.

**85.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 85 of the Complaint. Therefore, as to HGI, any

such claims are denied.

**GEORGIA STATE PROCEDURAL PROHIBITION ON CLASS ACTIONS  
PURSUANT TO THE FBPA IS PRE-EMPTED BY FED. R. CIV. P. 23**

**86.**

HGI responds by stating that any referenced or cited law speaks for itself. All other allegations are denied.

**87.**

HGI responds by stating that any referenced or relied upon case law speaks for itself. All other allegations are denied.

**88.**

HGI responds by stating that any referenced or relied upon case law speaks for itself. All other allegations are denied.

**89.**

Denied as to HGI.

**CLASS ALLEGATIONS**

**90.**

HGI denies Plaintiff's request for class certification.

**91.**

Denied as to HGI.

**92.**

Denied as to HGI.

**93.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 93 of the Complaint. Therefore, as to HGI, any such claims are denied.

**94.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 94 of the Complaint. Therefore, as to HGI, any such claims are denied.

**95.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 95 of the Complaint. Therefore, as to HGI, any such claims are denied.

**96.**

HGI responds by stating that it is without sufficient information to admit or deny the allegations of Paragraph 96 of the Complaint. Therefore, as to HGI, any such claims are denied.

**97.**

Denied as to HGI.

**98.**

Denied.

**99.**

Denied.

**100.**

Denied.

**101.**

Denied.

**102.**

Denied.

**103.**

Denied.

**104.**

Denied.

**105.**

Any and all general or specific allegations against HGI not specifically addressed herein are denied.

WHEREFORE, HGI respectfully requests the following relief:

- a) that the Complaint be dismissed against HGI with prejudice;
- b) that HGI receive judgment against Plaintiff as to all claims and counts;

- c) that HGI be awarded all of its costs and fees associated with defending this action; and
- d) that HGI receive all other relief deemed just and proper by this Honorable Court.

Respectfully submitted this 14<sup>th</sup> day of February, 2020.

**MILLS & HOOPES, LLC**  
Attorneys for Defendant HGI

By: s/Scott R. Hoopes  
Scott R. Hoopes  
Georgia Bar Number 365710

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**CERTIFICATION UNDER L.R. 7.1D**

Pursuant to Northern District of Georgia Local Rule 7.1D, the undersigned counsel for Defendant HGI certifies that the above and foregoing document is a document prepared in Times New Roman (14 point) font in accordance with Local Rule 5.1B.

So certified this 14<sup>th</sup> day of February, 2020.

**MILLS & HOOPES, LLC**  
Attorneys for Defendant HGI

By: s/Scott R. Hoopes  
Scott R. Hoopes  
Georgia Bar Number 365710

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Lawrenceville, Georgia 30043  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 14, 2020, I electronically filed Defendant HGI's Answer with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

James W. Hurt  
jhurt@hurtstolz.com

Andrew Stevens  
astevens@lawstevens.com

Robert A. Luskin  
rluskin@gm-llp.com

Respectfully submitted this 14<sup>th</sup> day of February, 2020.

**MILLS & HOOPES, LLC**  
Attorneys for Defendant HGI

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